

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. 13-cv-1161 RB/RHS
Cr. 10-cr-697 RB

MARTIN MARTINEZ,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 9), filed September 12, 2014, which recommends dismissal of Defendant Martin Martinez's Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (Doc. 1). The time for filing objections expired September 29, 2014. No objections have been filed.

The Court has made a *de novo* determination and agrees with the Magistrate Judge's Proposed Findings and Recommended Disposition, and will deny Petitioner's 28 U.S.C. § 2255 Motion, and dismiss this civil proceeding with prejudice.

IT IS HEREBY ORDERED that the Proposed Findings and Recommended Disposition of the Magistrate Judge (**Doc. 9**) are adopted by the Court and Petitioner's Objections are hereby denied.

IT IS FURTHER ORDERED that the Motion Under 28 U.S.C. § 2255 To Vacate, Set

Aside or Correct Sentence by a Person in Federal Custody (**Doc. 1**) is **denied** and this civil proceeding is **dismissed with prejudice**.

SO ORDERED October 14, 2014.

A handwritten signature in black ink, appearing to read "Robert Brack", is positioned above a horizontal line.

THE HONORABLE ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE